

## **REMARKS/ARGUMENTS**

### **I. STATUS OF CLAIMS**

Claims 1-14, 28-41 and 55-68 are pending in the application. Claims 8, 28, 35, and 62 are amended and no claims are cancelled or added. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims by removing antecedent basis problems and not for the purpose of overcoming alleged prior art.

Applicant also wishes to thank Examiner for the interview that occurred on July 15, 2008.

### **II. CLAIM REJECTIONS—35 U.S.C. § 103**

Claims 1-10, 12-14, 28-37, 39-41, 55-64 and 66-68 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("*Zigmond*") in view of PCT Publication No. WO 92/22983 ("*Browne*") in further view of U.S. Publication No. 2004/0210824 ("*Shoff*"). This rejection is respectfully traversed.

Claims 1, 28, and 55 appear as follows:

1. A process for frame specific tagging of media streams with tag translation at a receiver, comprising the steps of:
  - receiving a media stream at said receiver;
  - storing said media stream on a storage device on said receiver;
  - detecting frame-specific tags inserted into said media stream;
  - processing said tags;
  - displaying program material in said stored media stream from said storage device to a viewer;
  - wherein said processing step performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions.

28. An apparatus for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising:  
a storage device on said receiver;  
a module for receiving said media stream at said receiver;  
a module for storing said media stream on said storage device;  
a module for detecting frame-specific tags inserted into said media stream;  
a module for processing said tags;  
a module for displaying program material in said stored media stream from said storage device to a viewer;  
wherein said processing module performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions.
55. A program storage medium readable by a computer, tangibly embodying a program of instructions executable by the computer to perform method steps for frame specific tagging of television audio and video broadcast streams with tag translation at a receiver, comprising the steps of:  
receiving said media stream at said receiver;  
storing said media stream on a storage device on said receiver;  
detecting frame-specific tags inserted into said media stream;  
processing said tags;  
displaying program material in said stored media stream from said storage device to a viewer;  
wherein said processing step performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions.

As discussed with the Examiner during the July 15, 2008, telephone interview, *Shoff* does not teach or suggest the detection and processing of frame specific tags inserted into the media stream. The Office Action alleges that “*Shoff et al* teaches the detection and processing of frame specific tags as described in paragraphs 0085-0091. The system provides interactive data to be provided through frame specific tags and triggers.” (Office Action, p. 2). However, *Shoff* fails to teach that limitation.

Shoff states: **“Using the supplemental content and HTML tags for timing and presentation format, the author constructs the target resource (step 256 in FIG. 9). The target resource is stored in a storage medium at a host computer and a target specification for referencing that location is defined (step 258).** The author submits the target specification to the authority responsible for developing the programming information maintained in the EPG database. **The target specification is stored in the appropriate data field of the EPG data structure which corresponds to the program to which it pertains (step 260).**” (emphasis added) (*Shoff*, par. [0090]).

HTML tags are discussed in *Shoff*, but the use of HTML tags and mechanisms by which they are sent in the cited sections are not the same tags as recited in Claims 1, 28, and 55. For example, Claims 1, 28, and 55 recite “...[] detecting frame-specific tags **inserted into said media stream.**” *Shoff* states that HTML tags are used to “construct the target resource.” Then, “the target **resource is stored in a storage medium at a host computer** and a target specification for referencing that location is defined.” Thus rather than being sent in-band with the media stream, the HTML tags are “stored in a storage medium at a host computer.” The HTML tags are incorporated into the EPG as “[t]he target specification is stored in the appropriate data field of the EPG data structure which corresponds to the program to which it pertains.” (*Shoff*, par. [0090]).

Furthermore, the Office Action has confused HTML frames with video frames in a media stream. The Office Action states “it is well known in the art to use frame specific tags to mark text, graphics, and graphical user interfaces with web pages.” (*Office Action*, p. 4). However, HTML frames tag allows a user to display more than one HTML page in a browser window. Each frame designated by a frame tag within a frameset tag displays a different HTML document

in a Web page. Thus, HTML code may refer to a specific frame being shown to a viewer but must be within that specific frame's frame tag which in turn must be within a frameset tag. Frame-specific tags, as used in Claim 1, refer to frames in the media stream. Thus, the statement that it is well known in the art to use frame-specific tags with Web pages may be accurate with respect to HTML frame tags in a Web page, but is not accurate with respect to frame specific tags inserted into a media stream, as these two terms have completely different meanings and are in different technology areas.

In addition, Claims 1, 28, and 55 recite "said tags ... include command and control information instructing said receiver to perform certain actions." The tags of Claim 1 thus contain information to instruct a receiver to perform actions. In *Shoff*, HTML tags are instead used only for "timing and presentation format." (*Shoff*, par. [0090]). *Shoff* also states "the new tags and extension attributes to formulate how and when the browser renders the supplemental content along with the continuous video stream." (*Shoff*, par. [0088]). Thus, in *Shoff*, HTML tags allow an author the freedom to construct how supplemental content will appear. This is the improvement that *Shoff* introduces to overcome the fixed framework of Fig. 1 in *Shoff*. In fact, HTML tags do not contain any command and control information whatsoever in *Shoff*.

The Office Action alleges that the command and control information is taught or suggested in *Zigmond*. Yet here too, *Zigmond* does not teach or suggest a system "wherein said processing step performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions" as recited in Claims 1, 28, and 55. The Office Action cites Col. 6 lines 42-62 with further description in Col. 9 line 63- Col. 10 line 34. (Office Action, p. 3).

In the cited sections referenced by the Office Action, *Zigmond* only teaches that a logical address such as a URL can be sent in line 21 of the VBI. *Zigmond* makes no mention of “tags which include command and control information instructing said receiver to perform certain actions” and therefore does not contemplate as such. *Zigmond* specifically states that real-time logical links, i.e., links in line 21 of the VBI (col. 10, lines 50-52) contain URL links relevant to a particular episode and the system merely notifies the user that a URL is available. Col. 6 lines 42-62 states:

“Importantly, associations between a television broadcast and Internet content may be performed in real-time or in batch mode. Real-time logical address links are sent to the TV viewer's client system during a television broadcast in line 21 of the VBI. In contrast, batch mode logical address links are delivered to the client system in advance of the television broadcast to which they relate. For example, batch mode logical address links may be downloaded from a Web server to the user's client system or delivered on CD ROM or other computer readable medium. According to one embodiment, batch mode logical address links are delivered as part of an electronic programming guide (EPG) and may be modified and/or supplemented with real-time logical address links. While real-time logical address links are valid for a predetermined amount of time after receipt by the client system, batch mode logical address links typically define a time interval. For example, a batch mode logical address link may include a start time and an end time indicating when the link is to be made available to the viewer.”

The other section (Col. 9 line 63- Col. 10 line 34) recites logic of how logical address links may be combined using logic 630. The links do not contain any command and control information themselves that would instruct how a receiver performs an action. Col. 9 line 63- Col. 10 line 34, states:

“FIG. 6 conceptually illustrates how real-time logical address links and batch mode logical address links may be combined according to one embodiment of the present invention. Batch mode logical address links originate from EPG data suppliers 640, such as TV Data, StarSight Telecast, Inc., Tribune Media Services, WebTV Networks, Inc., and the like. The EPG data suppliers 640 may provide TV listings and related batch mode logical address links to a server 650. The TV listing information typically contains at least program start times, program end times, and a station identifier. Depending upon the EPG data supplier, more or less information may be provided.

The server 650 maintains an EPG database 655 by receiving EPG information from multiple sources (potentially each in a different format) and translating the information into a common format. According to one embodiment, the server 650 may add further batch mode logical address links to those already present in the EPG information received from the EPG data suppliers 640. In any event, the batch mode logical address links are transmitted to the client 630 periodically or upon request by the client 630.

Real-time logical address links originate from various video and content suppliers 610, such as the program producer, the broadcaster, the local affiliate, the cable/satellite distributor, commercial sponsors, etc. The real-time logical address links are transported by inserting them directly into the broadcast video signal 620 as described above.

The client 630 includes logical address link merging logic 637 and a local EPG database 635. The logical address link merging logic 637 may represent one or more software routines that implement predefined rules to facilitate the selection between real-time and batch mode logical address links. In some circumstances, it may be appropriate to replace a batch mode logical address link with a real-time logical address link. In other situations, it may be convenient or make more sense to supplement existing batch mode logical address links with newly received real-time logical address links..”

Therefore, *Zigmond* does not contemplate a system wherein said processing step performs appropriate actions in response to said tags which include command and control information instructing said receiver to perform certain actions as claimed in Claims 1, 28, and 55.

Therefore, *Zigmond* in view of *Browne* and in further view of *Shoff* does not teach or disclose the invention as claimed.

Claims 1, 28, and 55 are allowable. Claims 2-10, 12-14, and 29-37, 39-41, and 56-64, 66-68 are dependent upon Claims 1, 28, and 55, respectively, and are allowable. Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

Applicants respectfully request to be contacted by the Examiner should the Examiner wish any clarification with regard to these arguments, as discussed in the interview.

### III. CLAIM REJECTIONS—35 U.S.C. § 103

Claims 11, 38 and 65 were rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over U.S. Patent No. 6,400,407 ("Zigmond ") in view of PCT Publication No. WO 92/22983 ("Browne") in further view of U.S. Publication No. 2004/0210824 ("Shoff") in further view of U.S. Patent No. 5,648,824 ("Dunn"). This rejection is respectfully traversed.

The rejection under 35 U.S.C. §103(a) is deemed moot in view of Applicant's comments regarding Claims 1, 28, and 55, above. Claims 11, 38, and 65 are dependent upon independent Claims 1, 28, and 55, respectively. Therefore, Applicant respectfully requests that the Examiner withdraw the rejection under 35 U.S.C. §103(a).

#### CONCLUSION

For the reasons set forth above, it is respectfully submitted that all of the pending claims are now in condition for allowance. Therefore, the issuance of a formal Notice of Allowance is believed next in order, and that action is most earnestly solicited.

The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.

Please charge any shortages or credit any overages to Deposit Account No. 50-1302.

Respectfully submitted,

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